IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3345 OF 2004

Amol Pandurang Ahire .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.S.A.Ingawale for the applicant.
Mr.V.B.Konde-Deshmukh APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 25TH AUGUST, 2004

P.C.:

. Heard Mr.Ingawale, learned counsel for the applicant and Mr.Konde-Deshmukh, learned A.P.P. for the respondent.

2. The applicant is involved in C.R. No.I-99/2003 registered at Central police station, Ulhasnagar under sections 396 and 109 of Indian Penal Code. The crime came to be registered at the instance of Suresh Manuja, cousin of deceased - Premchand Manuja. The date and time of occurrence was on 24.12.2003 at 7.30 a.m. It is the prosecution case that the applicant and other co-accused committed murder of deceased - Premchand Manuja in his house, who had gone there with a view

to commit robbery. Mr.Ingawale, learned counsel for the applicant, submitted that the applicant is entitled for bail on parity with co-accused, who have already been released on bail. The co-accused - Guddu @ Chakrapani Kapal and Manohar Manuja were released on bail by the trial court while Darpan Nadkar was released on bail by this court. According to Mr.Ingawale, the circumstances relied upon by the prosecution against the applicant are not sufficient to connect him with the alleged crime. The case of the prosecution rests on circumstantial evidence. In so far the present applicant is concerned, the prosecution relied upon by the following circumstances: (i) Recovery of cash at the instance of the applicant from the house of one Suhas Sawant; (ii) Seizure of golden chain produced by Sandhya Parkar. According to Sandhya Parkar it was given to her by the applicant. The said chain was identified by the complainant as that of the deceased; (iii) Recovery of blood stained clothes at the instance of the applicant. The blood stains found on the clothes belong to blood group "B"; (iv) Production of the bag by one Tukaram Davad which according to him, was given to him by the applicant. When the bag was seized it was found containing passport

size photographs of the deceased and the marriage certificate of his sister. The bag was identified as that of the deceased. Considering the circumstances relied upon by the present applicant, he cannot claim parity with other accused. In my opinion, the aforesaid circumstances are sufficient, at this stage, to show the complicity of the accused. Taking overall facts and circumstances of the case and considering that there exist, incriminating material against the applicant, in my opinion, this is not a fit case to enlarge the applicant on bail. The application is rejected.

3. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

(D.B.Bhosale, J.)